



Sector #

PATENT  
Docket No. 2710-4007US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Michael B. CHANCELLOR et al.  
Serial No. : 09/549,937 Group Art Unit: 1646  
Filed : April 14, 2000 Examiner: TBA  
For : Soft Tissue and Bone Augmentation and Bulking Utilizing Muscle-derived Progenitor Cells, Compositions and Treatments Thereof

**BOX: MISSING PARTS**  
Commissioner of Patents  
Washington, D.C. 20231

CERTIFICATE OF MAILING (37 C.F.R. §1.8(a))

Sir:

I hereby certify that the following attached papers and this Certificate of Mailing are being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to: **BOX: MISSING PARTS; Commissioner of Patents, Washington, D.C. 20231:**

- 1) Response to Notice to File Missing Parts (Filing Date Granted) (2 pgs);
- 2) Copy of Notice (1 page);
- 3) Executed Combined Declaration & Power of Attorney (4 pages);
- 4) Surcharge pursuant to 37 C.F.R. § 1.16(e) (check for \$130.00);
- 5) Return Postcard.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: August 3, 2000

By: Leslie A. Serunian  
Leslie A. Serunian  
Reg. No. 35,353

Correspondence Address:  
MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, New York 10154-0053  
(212) 758-4800 (Phone)  
(212) 751-6849 (Facsimile)



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PATENT  
Docket No. 2710-4007US2

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Michael B. CHANCELLOR et al.  
Serial No. : 09/549,937 Group Art Unit: 1646  
Filed : April 12, 2000 Examiner: TBA  
For : Soft Tissue and Bone Augmentation and Bulking Utilizing Muscle-derived Progenitor Cells, Compositions and Treatments Thereof

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Commissioner of Patents  
Washington, D.C. 20231  
ATTN: Office of Initial Patent Examination's  
Customer Service Center

CERTIFICATE OF MAILING (37 C.F.R. §1.8(a))

Sir:

I hereby certify that the following attached papers and this Certificate of Mailing are being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to: Attn: Office of Initial Patent Examination's Customer Service Center; Commissioner of Patents, Washington, D.C. 20231:

- 1) Request for Correction of Official Filing Receipt;
- 2) Copy of incorrect Filing Receipt with corrections in red ink;
- 3) Return Postcard.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: August 2, 2000

By: Leslie A. Serunian  
Leslie A. Serunian  
Reg. No. 35,353

Correspondence Address:  
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345 Park Avenue  
New York, New York 10154-0053  
(212) 758-4800 (Phone)  
(212) 751-6849 (Facsimile)



#3

**PATENT**

Docket No.: 2710-4007US2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Michael B. CHANCELLOR et al.  
Serial No. : 09/549,937  
Filed : April 14, 2000  
For : ***Soft Tissue and Bone Augmentation and Bulking Utilizing  
Muscle-derived Progenitor Cells, Compositions and  
Treatments Thereof***  
Group Art  
Unit 1646  
Examiner : To be assigned

Commissioner of Patents  
Washington, D.C. 20231  
**Attention: Box Missing Parts**

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
NONPROVISIONAL APPLICATION  
FILING DATE GRANTED**

Dear Sir:

This is in response to the Notice to File Missing Parts of Application (Filing Date Granted), dated June 28, 2000, in the above-identified patent application. As required, a copy of the June 28, 2000 Notice accompanies this response and is attached hereto.

An executed Combined Declaration and Power of Attorney document is submitted herewith in compliance with 37 C.F.R. § 1.63. A check in the amount of \$130.00 is also included in payment of the required surcharge pursuant to 37 C.F.R. § 1.16(e) for the filing of the enclosed executed Declaration in this application.

It is respectfully submitted that the filing of the completed Declaration and surcharge in response to the Notice satisfies the requirements pursuant to 37 C.F.R. § 1.63.

**AUTHORIZATION**

The applicant has enclosed herewith all fees believed to be properly assessable in this application. However, should additional fees be required by the filing of these papers, the Commissioner is hereby authorized to charge any additional fees, or to credit any overpayment, to Deposit Account No. 13-4500, Order No. 2710-4007US2.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Date: August 3, 2000

By: Leslie A. Serunian  
Leslie A. Serunian  
Reg. No. 35,353

Correspondence Address:

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345 Park Avenue  
New York, New York 10154  
(212) 758-4800 Telephone  
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PATENT  
Docket No.: 2710-4007US2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Michael B. CHANCELLOR et al.  
Serial No. : 09/549,937 Group Art Unit: 1646  
Filed : April 14, 2000 Examiner: To Be Assigned  
For : **Soft Tissue and Bone Augmentation and Bulking Utilizing  
Muscle-derived Progenitor Cells, Compositions and  
Treatments Thereof**

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Commissioner for Patents  
Washington, D.C. 20231

**To the attention of: Office of Initial Patent Examination's  
Customer Service Center**

**REQUEST FOR CORRECTION OF OFFICIAL FILING RECEIPT**

Sir:

This Communication is submitted to request correction of the official Filing Receipt for the above-identified patent application. A copy of the original Filing Receipt is attached hereto with the requested changes noted thereon in red ink. Applicants respectfully request the issuance of a corrected official Filing Receipt for this application.

Specifically, the official Filing Receipt as issued requires correction as follows:

1. The ATTY. DOCKET NO. should be corrected to read "2710-4007US2".
2. The **Continuing Data as Claimed by Applicant** should be corrected to read:

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"WHICH IS A CIP OF 09/302,896 04/30/1999".

3. The **Title** should be corrected to read "treatments" in the second line.

No fee is believed to be due for this request. However, should any fee(s) be required, the Commissioner is hereby authorized to charge any fee(s) that is/are properly assessable in this application to Deposit Account No. 13-4500, Order No. 2710-4007US2. **A duplicate copy of this paper is attached.**

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: August 2, 2000

By: Leslie A. Serunian  
Leslie A. Serunian  
Reg. No. 35,353

Correspondence Address:  
MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, New York 10154-0053  
(212) 758-4800 (Telephone)  
(212) 751-6849 (Facsimile)

## FORMALITIES LETTER



\*OC000000005206416\*

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/549,937	04/14/2000	Michael B Chancellor	2710-40007US2

Morgan & Finnegan L L P  
345 Park Avenue  
New York, NY 10154

Date Mailed: 06/28/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 was not received.
- **The balance due by applicant is \$ 130.**

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

08/09/2000 EHANNOND 00000026 09549937

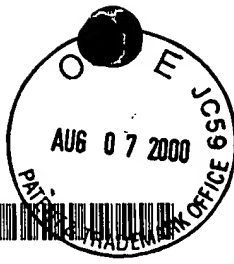
01 FC:105

130.00 OP

## FILING RECEIPT



\*OC000000005206415\*

UNITED STATES DEPARTMENT OF COMMERCE  
Pat nt and Trademark OfficeAddress: ASSISTANT SECRETARY AND  
COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/549,937	04/14/2000	1646	2408	2710-4007 US2 4007	16	99	3

Morgan & Finnegan L L P  
345 Park Avenue  
New York, NY 10154

Date Mailed: 06/28/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generat another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

Michael B Chancellor, Pittsburg, PA ;  
Johnny Huard, Pittsburg, PA ;  
Christopher C Capelli, Kenosha, WI ;  
Zhuqing Qu, Pittsburg, PA ;

## Continuing Data as Claimed by Applicant

THIS APPLN CLAIMS BENEFIT OF 60/083,917 05/01/1998  
WHICH IS A DIV OF 09/302,896 04/30/1999  
WHICH CLAIMS BENEFIT OF 60/083,917 05/01/1998

## Foreign Applications

CIP

If Required, Foreign Filing License Granted 06/26/2000

-

## Title

Soft tissue and bone augmentation and bulking utilizing muscle-derived progenitor cells, compositions, and (treatment) thereof

## Preliminary Class

514

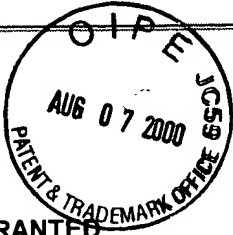
treatments



Data entry by : BLIZZARD, SHARON

Team : OIPE

Dat : 06/28/2000



**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
 Office of Initial Patent Examination  
 Customer Service Center  
 Washington, DC 20231